

# Goss ■ Samford PLLC



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September 11, 2014

*Via Hand Delivery*

Mr. Jeffrey Derouen  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602

RECEIVED

SEP 11 2014

PUBLIC SERVICE  
COMMISSION

Re: In the Matter of: An Examination by the Public Service Commission of the Environmental Surcharge Mechanism of East Kentucky Power Cooperative, Inc. for the Six-Month Billing Period Ending December 31, 2013 and the Pass Through Mechanism for its Sixteen Member Distribution Cooperatives  
PSC Case No. 2014-00051

Dear Mr. Derouen:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of the Motion to Modify Order of East Kentucky Power Cooperative, Inc. Please return a file-stamped copy to me.

Do not hesitate to contact me if you have any questions.

Sincerely,

David S. Samford

Enclosures

M:\Clients\4000 - East Kentucky Power\2002 - Environmental Surcharge\  
Correspondence\Ltr. to Jeff Derouen (2014-00051) - 140911

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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SEP 11 2014

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

AN EXAMINATION BY THE PUBLIC SERVICE  
COMMISSION OF THE ENVIRONMENTAL )  
SURCHARGE MECHANISM OF EAST KENTUCKY )  
POWER COOPERATIVE, INC. FOR THE SIX-MONTH )  
BILLING PERIOD ENDING DECEMBER 31, 2013, )  
AND THE PASS THROUGH MECHANISM FOR ITS )  
SIXTEEN MEMBER DISTRIBUTION COOPERATIVES )

CASE NO.  
2014-00051

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MOTION TO MODIFY ORDER

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Comes now East Kentucky Power Cooperative, Inc. ("EKPC"), and its sixteen Member distribution cooperatives ("Members") by counsel, and collectively move the Kentucky Public Service Commission ("Commission") for an Order modifying the Commission's Order entered on August 19, 2014. The August 19, 2014, Order established a hearing date of December 16, 2014, for this matter and stated that EKPC and its Members must provide notice of the hearing pursuant to 807 KAR 5:001, Section 9. Each of EKPC's sixteen Members is a party to this proceeding and, therefore, has actual notice of the hearing. Moreover, EKPC may comply with the notice requirements by mailing notice of the hearing to its Members as well. The task of providing notice to the retail customers of EKPC's Members is more difficult, however. Publication by mailing or by publication in a newspaper, as contemplated in 807 KAR 5:001, Section 9 and the Commission's August 19, 2014 Order, are both very expensive for EKPC's Members. In the context of a general adjustment of rates, the Commission's regulations (807 KAR 5:001, Section 17) allow for customers to be given notice by publication in a trade

publication or newsletter that is delivered to each customer. Since this method is considerably less expensive and equally effective as the methods for giving notice in 807 KAR 5:001, Section 9, EKPC and its Members move the Commission to modify its August 19, 2014 Order to allow notice to be provided to customers pursuant to 807 KAR 5:001 Section 17, which allows publication in a trade publication or newsletter.

In support of this Motion, Movants state that they can publish notice of the hearing in *Kentucky Living Magazine* which is published by the Kentucky Association of Electric Cooperatives each month. *Kentucky Living Magazine* is delivered to each of the customers of EKPC's Members, which would satisfy the notice requirements for EKPC's Members. In light of the December 16, 2014 date of the public hearing, the Members would publish notice of the hearing in the December issue of *Kentucky Living Magazine*. However, in order to be able publish the notice in the December issue, the Movants would need an Order from the Commission modifying the August 19, 2014 Order, no later than September 30, 2014. The December issue would be delivered to customers in late November/early December, which would meet the seven to twenty-one day deadline for publishing notice of the hearing.

WHEREFORE, Movants respectfully request that the Commission enter an Order modifying its August 19, 2014, Order, to allow publication of the hearing notice for the December 16, 2014, hearing in the December issue of *Kentucky Living Magazine*. Movants further respectfully request that this Order be entered no later than September 30, 2014, in order to meet publishing deadlines.

This 11<sup>th</sup> day of September, 2014.

Respectfully submitted,



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*Counsel for East Kentucky Power Cooperative, Inc.*

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served by depositing same in the custody and care of the U.S. Mails, postage pre-paid, on this 11<sup>th</sup> day of September, 2014, addressed to the following:

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